

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

CHRIS HOBSON

Plaintiff,

VS.

LOWE'S HOME CENTERS, LLC,

Defendant.

Case No.: _____

NOTICE OF REMOVAL

COMES NOW Defendant Lowe's Home Centers, LLC, by and through counsel, and hereby files and serves this Notice of Removal, removing this action from the Circuit Court of Jefferson County, Alabama, to the United States District Court for the Northern District of Alabama, Southern Division. In support thereof, the Defendant states as follows.

1. This civil action was initiated in the Circuit Court of Jefferson County, Alabama, as case number CV-2017-902975. The Summons and Complaint was served upon the Defendant on or about August 31, 2017. A true and accurate copy of the Summons and Complaint and all pleadings filed in the Circuit Court of Jefferson County, Alabama are attached hereto as Exhibit “A.”

2. This Notice of Removal is timely, as it is filed within thirty (30) days of the case becoming removable.

3. This action is being removed to Federal District Court on the basis of diversity jurisdiction as allowed by 28 U.S.C. § 1332.

4. The United States District Court for the Northern District of Alabama, Southern Division, has original jurisdiction under 28 U.S.C. § 1332. This action is removable under 28 U.S.C. § 1441.

5. This Court has jurisdiction under 28 U.S.C. § 1332, and removal is proper pursuant to 28 U.S.C. § 1441, because there is diversity of citizenship with regard to all properly joined properties. The Plaintiff, Chris Hobson, is a citizen of the State of Alabama. Defendant Lowe's Home Centers, LLC is a North Carolina limited liability company. Lowe's Home Centers, LLC is organized under North Carolina law, with the principle place of business in North Carolina. The sole member of the LLC is Lowe's Companies, Inc., a North Carolina corporation, with a principle place of business in North Carolina. As such, complete diversity of citizenship exists.

6. The amount in controversy requirements are also met. This case involves personal injury claims with related medical treatment that the Plaintiff claims has cost him approximately \$25,000.00 as of more than one year ago. Further, the Plaintiff has acknowledged his belief that the case has a value in excess of \$75,000 by making a "policy limits" settlement demand which is well in excess of \$75,000.00. (See correspondence from Plaintiff's counsel attached hereto as Exhibit "B"). As such, the Plaintiff has admitted that he values his claims at a figure in excess of the jurisdictional

limits of removal to this Court. Therefore, all amount in controversy requirements are met in this case.

7. This Notice of Filing Notice of Removal and other accompanying papers and notices have been served upon all counsel of record and adverse parties and filed with the Clerk of the State of Court from which this action is being removed, the Circuit Court of Jefferson County, Alabama, as required by 28 U.S.C. § 1446(d). A copy of said Notice of Filing Notice of Removal is attached hereto as Exhibit “C”.

8. This Notice is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure, as required by 28 U.S.C. § 1446(a) as amended, which eliminates the requirement for a verified petition.

9. A copy of all pleadings, papers, Notices, and Orders, served upon the Defendant and which consist of the Record of the Clerk of the Circuit Court of Jefferson County, Alabama, have been attached hereto as Exhibit “A.”

10. For the reasons stated herein, this Federal District Court has jurisdiction of this case pursuant to 28 U.S.C. § 1332 and the case is properly removed pursuant to 28 U.S.C. 1441.

Respectfully submitted this the 29th day of September, 2017.

Respectfully submitted,

s/Joseph E. Stott
JOSEPH E. STOTT - STO041 (ASB-4163-T71J)
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LLC

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